

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jermaine Antonio Armstrong, #11110-171,)	C.A. #2:09-3075-PMD
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
Warden of USP-Atwater,)	
)	
Defendant.)	
)	

This matter is before the court upon the magistrate judge's recommendation that petitioner's action be transferred to the U.S. District Court for the Eastern District of California. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B). Because petitioner is pro se, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that the clerk of court remove Warden Darlene Drew from the Court's docket as a respondent, and add

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B) D.S.C., the magistrate judge is authorized to review pretrial matters, and submit findings and recommendations to this Court.

to the docket the proper respondent, Warden of USP-Atwater, and this action is hereby **transferred** to the U.S. District Court for the Eastern District of California.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.


PATRICK MICHAEL DUFFY
United States District Judge

February 2, 2010
Charleston, South Carolina